REMARKS/ARGUMENTS

Applicants appreciate the thorough examination of the present application, as evidenced by the first Official Action. Initially, the Official Action objects to the form of dependent Claims 2-9, 11-18 and 20-27. In response, Applicants have amended those claims to read "The [system/method/computer program product," instead of "A [system/method/computer program product]," as noted in the Official Action. Applicants therefore respectfully submit that the objection to dependent Claims 2-9, 11-18 and 20-27 is overcome.

The first Official Action also rejects Claims 1-4, 10-13 and 19-22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,223,291 to Puhl et al. The first Official Action then rejects the remaining claims, namely Claims 5-9, 14-18 and 23-27, under 35 U.S.C. § 103(a) as being unpatentable over Puhl, in view of various combinations of U.S. Patent Application Publication No. 2004/0176080 to Chakravorty et al., and U.S. Patent Application Publication No. 2003/0147369 to Singh et al. As explained below, Applicants respectfully submit that the claimed invention is patentably distinct from Puhl, Chakravorty and Singh, taken individually or in combination. Nonetheless, Applicants have amended various ones of the claims to further clarify the claimed invention, amended the specification to correct a number of inadvertent typographical errors, and added new Claims 28-36 to recite further patentable features of the claimed invention. In view of the amendments to the claims and specification, the newly-added claims, and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

A.   Claims 1-4, 10-13 and 19-22 are Patentable

As indicated above, the first Official Action rejects Claims 1-4, 10-13 and 19-22 as being anticipated by Puhl. Briefly, Puhl discloses a secure wireless electronic-commerce system that utilizes digital product certificates and digital license certificates. In the passage cited for disclosing aspects of the claimed invention, Puhl discloses a method of merchant (also referred to as an attribute authority – AA) delivering content to a client and receiving payment for that content. Initially, the merchant authenticates itself to the client by delivering a digital certificate to the client, which the client may verify via a certificate authority (CA). If the merchant is

verified, the client delivers payment to the merchant for a content item, which the merchant then delivers to the client. As disclosed, the content item may comprise a software patch update, which may be delivered to the client without the user's consent or awareness of the update.

According to one aspect of the claimed invention, as reflected by amended independent Claim 1, system is provided for downloading pushed content. As recited, the system includes a terminal comprising a processor configured to receive service loading content that identifies download content and has a digital signature. The processor is configured to authenticate the service loading content based upon the digital signature, and if the service loading content is authenticated, pull the download content to the terminal. In this regard, the processor is configured to authenticate the service loading content, and pull the download content, in response to receiving the service loading content and independent of interaction from a user of the terminal. As amended, the processor is further configured to determine if an interruption occurs in pulling the download content such that the terminal receives a portion but less than all of the download content, and if an interruption occurs in receiving the content, recover the download content including receiving a remaining portion of the download content without also receiving at least part of the previously received portion.

In contrast to amended independent Claim 1, Puhl (as well as Chakravorty and Singh) does not teach or suggest a terminal <u>receiving service loading content, and in response thereto and without user interaction, authenticating the service loading content and pulling download content identified by the service loading content</u>. The Official Action alleges that Puhl discloses the aforementioned features. Applicants note, however, that nowhere does Puhl disclose a terminal receiving service loading content that identifies download content, and also has a digital signature that is authenticated before the terminal pulls the download content. In the passage of Puhl cited in the Official Action, for example, the client may receive a digital signature of a merchant to verify the merchant before paying for, and receiving, a content item from that merchant. In Puhl, however, the client does not receive the merchant's digital signature in service loading content that also identifies download content that is pulled by the client in response to receiving the service loading content, similar to amended independent Claim 1.

In further contrast to amended independent Claim 1, Puhl (as well as Chakravorty and Singh) does not teach or suggest download recovery in response to an interruption in pulling content. That is, Puhl (as well as Chakravorty and Singh) does not teach or suggest a terminal determining if an interruption occurs in pulling the download content, and if so, recovering the download content including receiving a remaining portion of the download content without also receiving at least part of the previously received portion. Applicants do note that the Official Action cites Singh for including download recovery. In this regard, Singh does disclose a system and method for securely transmitting data in which a packet error may be determined if the size of a received packet specified in its header does not match the actual size received, and the packet may be again requested. However, Singh does not teach or suggest determining an "interruption" in pulling content, or even in response to determining an interruption, receiving a remaining portion of the content without receiving at least part of the previously received content. Rather, Singh discloses detecting an erroneous packet, and re-requesting the entire packet.

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2-9, is patentably distinct from Puhl. Applicants also respectfully submit that amended or new independent Claims 10, 19 and 28 recite subject matter similar to that of amended independent Claim 1, including at least the service-loading content and download-recovery features. Thus, Applicants also respectfully submit that amended or new independent Claims 10, 19 and 28, and by dependency Claims 11-18, 20-27 and 29-36, are patentably distinct from Puhl, for reasons similar to those provided above with respect to amended independent Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-4, 10-13 and 19-22 as being anticipated by Puhl is overcome.

B. Claims 5-9, 14-18 and 23-27 are Patentable

The Official Action also rejects Claims 5-9, 14-18 and 23-27 as being unpatentable over Puhl, in view of various combinations of Chakravorty and Singh. As explained above, amended independent Claims 1, 10, 19 and 28, and by dependency Claims 2-9, 11-18, 20-27 and 29-36,

are patentably distinct from Puhl. Applicants respectfully submit that neither Chakravorty nor Singh, taken individually or in combination, cures the deficiencies of Puhl. That is, even considering Chakravorty and Singh, none of Puhl, Chakravorty or Singh, taken individually or in combination, teaches or suggests the aforementioned service-loading content and download-recovery features, as recited by the claimed invention. And one skilled in the art still would not be motivated to modify Puhl with the teachings of Chakravorty and/or Singh to disclose the claimed invention. Thus, for at least the reasons given above with respect to amended independent Claims 1, 10, 19 and 28, Claims 5-9, 14-18 and 23-27 are also patentably distinct from Puhl in view of various combinations of Chakravorty and Singh.

Applicants accordingly submit that the rejection of Claims 5-9, 14-18 and 23-27 as being unpatentable over Puhl, in view of various combinations of Chakravorty and Singh, is overcome.

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Reply to Official Action of July 24, 2007

CONCLUSION

In view of the amendments to the claims and specification, the newly-added claims and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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